

From: hildy
To: Microsoft ATR
Date: 12/11/01 1:14pm
Subject: Microsoft Settlement

Attention: U.S. Department of Justice,
DC Federal District Court

RE:UNITED STATES OF AMERICA,
Plaintiff,

v.

MICROSOFT CORPORATION,
Defendant.
Civil Action No. 98-1232 (Antitrust)

To the Court;

Thank you for this opportunity to allow my opinion to be considered in this court. I have read and followed with much interest the proceedings concerning the above Antitrust law suit, which in part states:

I. NATURE OF THIS ACTION

1. This is an action under Sections 1 and 2 of the Sherman Act to restrain anticompetitive conduct by defendant Microsoft Corporation ("Microsoft"), the world's largest supplier of computer software for personal computers ("PCs"), and to remedy the effects of its past unlawful conduct.
2. Microsoft possesses (and for several years has possessed) monopoly power in the market for personal computer operating systems. Microsoft's "Windows" operating systems are used on over 80% of Intel-based PCs, the dominant type of PC in the United States. More than 90% of new Intel-based PCs are shipped with a version of Windows pre-installed. PC manufacturers (often referred to as Original Equipment Manufacturers, or "OEMs") have no commercially reasonable alternative to Microsoft operating systems for the PCs that they distribute.

It is my opinion; the basis of these proceeding against the Microsoft Corporation is in error, as explained above in Parts 1 & 2.

I am not an attorney, nor do I thoroughly understand the reference to Sections 1 and 2 of the Sherman Act, but, the first line of section 2 states; "Microsoft possesses (and for several years has possessed) monopoly power".

From the following sentence, or definition, I understand the meaning of "monopoly" as:

- 1.Exclusive control by one group of the means of producing or selling a commodity or service.
- 2.Law. A right granted by a government giving exclusive control over a specified commercial activity to a single party.
- 3.a. A company or group is having exclusive control over a commercial activity.
 - b. A commodity or service so controlled.
- 4.a. Exclusive possession or control: arrogantly claims to have a monopoly on the truth. b. Something that is exclusively possessed or controlled: showed that scientific achievement is not a male monopoly.

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From my perspective, and understanding the above definitions, I will attempt to explain my views as follows;

1. Exclusive control,... Microsoft doesn't exclusively control the market place with regard to computer software operating systems. Anyone can acquire or purchase several computer software operating systems from other software manufacturers.
2. Law. A right granted by a government,... I don't know of any government entity, including the US Federal Government, who has proclaimed Microsoft to be the sole and exclusive source of computer software operating systems, do you?
- 3.a. A company or group having exclusive control, and b. A commodity or service so controlled,... The Microsoft suite of software has become the product of choice by a majority of users and/or suppliers of PC's, over other suppliers or manufacturers competing in the market place. I can think of many products or services by others which also have been favored by consumers over similar offerings, does that mean they are monopolists too? How does the U.S. Department of Justice or the DC Federal District Court equate this definition?
4. Exclusive possession or control,... Certainly the fourth and last definition doesn't apply either. Microsoft does not have exclusive control or possession of computer software operating systems. Certainly there has been some 'arrogance' displayed from the marketing of Microsoft products, but again, I can think of numerous examples of similar claims, even by some of the those supporters of this Anti-trust lawsuit. I cannot understand how any person of normal intelligence could assert this as an argument or a basis for a law suit, can you?

With respect to my arguments above and the obvious confusion regarding this

law suit in general; I believe this law suit is the result of angst or frustration by other software vendors. They have convinced a few powerful policy makers of the US Government to file this suit on their behalf and hopefully enabling them to challenge or market their products and services against the more popular and superior software products from the Microsoft Corporation.

With respect to the U.S. Department of Justice, It is my understanding the function of the U.S. Government and all it's many entities is; to protect and serve the United States of America and the American way of life, enabling the citizens to select the products or service of their choice.

I don't believe, upon further consideration of the above facts, the U.S. Department of Justice wishes to be a part and party to the desires of a few individuals and their financial interests or businesses over the detriment of another. In my opinion; it is wrong to handicap or regulate one business over another for the perceived benefit of the entire United States of America and it's citizens.

As generally accepted, the Democratic market place of the U.S. is usually the deciding factor of who supplies and provides superior products. It is simply a matter of choice by the consumers, and in this case, it 'presently' appears to be Microsoft Corporation.

Just as a foot note and an example worthy of consideration in context with this law suit; I believe from hind sight, it was a major mistake by the U.S. Department of Justice to have broken up AT&T Corporation and enabled a so-called 'free market' for the telecommunications industry. Of course this has only become obvious over time, and it serves as an example of governmental 'interfering' in such a crucial infrastructure of this country. I think some other form of regulation would have better served the growing needs of this nation.

I also believe the Computer Industry, and the present form of the Internet, including the developing, evolving, technologies which serve it should be allowed to develop unhindered from any governmental regulation or control. It could become another disaster for such a promising technology to be handicapped at such a crucial time of its evolution. I think it would be a mistake to allow a few near sighted governmental bureaucrats or policy makers to inspire their power or control over such a potentially beneficial technology.

Again, thank you for allowing my views to be included in your decision process, for such an important developing technology.

Sincerely;

D.F. Hildermann

